

**Assembly Bill No. 2449**

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Passed the Assembly    August 10, 2000

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*Chief Clerk of the Assembly*

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Passed the Senate    July 6, 2000

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Sections 13503, 13506, and 13510.1 of the Penal Code, relating to crime prevention.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Wildman. Law enforcement: peace officer training.

(1) Existing law provides for the Commission on Peace Officer Standards and Training.

Existing law additionally provides the commission with specified powers for carrying out its duties and responsibilities and authorizes the commission to adopt regulations necessary to carry out the purposes of the provisions governing its operation.

This bill would provide that, with specified exceptions, the commission is prohibited from withdrawing or canceling any certificate issued to any peace officer pursuant to its provisions. The bill likewise would prohibit the commission from adopting any regulation authorizing the withdrawal or cancellation of peace officer certificates.

(2) Existing law provides that the commission shall establish a certification program for peace officers, as specified, and that certificates shall be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. Existing law further requires that certificates be canceled if issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a crime classified as a felony.

This bill would provide additional circumstances where certificates are required to be canceled. Since one of these circumstances would include the requirement that an employing agency notify the commission whenever a peace officer is adjudged or found guilty of a felony, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain



costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 13503 of the Penal Code is amended to read:

13503. In carrying out its duties and responsibilities, the commission shall have all of the following powers:

(a) To meet at times and places that it may deem proper.

(b) To employ an executive secretary and, pursuant to civil service, the clerical and technical assistants that may be necessary.

(c) To contract with other agencies, public or private, or persons that it deems necessary, for the rendition and affording of the services, facilities, studies, and reports to the commission that will best assist it to carry out its duties and responsibilities.

(d) To cooperate with and to secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions.

(e) To develop and implement programs to increase the effectiveness of law enforcement and when those programs involve training and education courses to cooperate with and secure the cooperation of state-level officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs.



(f) To cooperate with and secure the cooperation of every department, agency, or instrumentality in the state government.

(g) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it. However, except as provided in subdivision (f) of Section 13510.1, or subdivision (a) of Section 1029 of the Government Code, the commission shall not have the power to withdraw or cancel any certificate or certificates previously issued to any peace officer pursuant to this chapter.

SEC. 2. Section 13506 of the Penal Code is amended to read:

13506. The commission may adopt such regulations as are necessary to carry out the purposes of this chapter. However, except as specifically provided in subdivision (f) of Section 13510.1, or subdivision (a) of Section 1029 of the Government Code, the commission shall not have the power to adopt any regulation that authorizes the withdrawal or cancellation of any certificate previously issued to any peace officer pursuant to this chapter.

SEC. 3. Section 13510.1 of the Penal Code is amended to read:

13510.1. (a) The commission shall establish a certification program for peace officers specified in Sections 13510 and 13522 and for the California Highway Patrol.

(b) Basic, intermediate, advanced, supervisory, management, and executive certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officer members of city police departments, county sheriffs' departments, districts, university and state university and college departments, or by the California Highway Patrol.

(c) (1) Certificates shall be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission.



(2) In determining whether an applicant for certification has the requisite education, the commission shall recognize as acceptable college education only the following:

(A) Education provided by a community college, college, or university which has been accredited by the department of education of the state in which the community college, college, or university is located or by a recognized national or regional accrediting body.

(B) Until January 1, 1998, educational courses or degrees provided by a nonaccredited but state-approved college that offers programs exclusively in criminal justice.

(d) Persons who are determined by the commission to be eligible peace officers may make application for the certificates, provided they are employed by an agency which participates in the Peace Officer Standards and Training (POST) program.

(e) Certificates remain the property of the commission and the commission shall have the power to cancel any certificate.

(f) The commission shall cancel certificates where any of the following circumstances apply:

(1) The certificate was issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a crime classified by statute or the Constitution as a felony.

(2) The certificate was issued to a peace officer who has been adjudged guilty of a felony or found guilty of a felony by the trier of fact at a criminal proceeding and sentenced pursuant to paragraph (1) or paragraph (3) of subdivision (b) of Section 17 of the Penal Code or been disqualified for any other reason described in paragraphs (1) to (6), inclusive, of subdivision (a) of Section 1029 of the Government Code.

(3) The certificate was obtained through misrepresentation or fraud.

(4) The certificate was issued due to administrative error on the part of the commission or the employing agency.



(g) For purposes of this section, “adjudged guilty” or “found guilty by the trier of fact at a criminal proceeding” shall mean the person has been convicted or entered a plea of guilty or nolo contendere to the offense. The cancellation of the certificate shall be in force after the criminal appellate process has been completed.

(h) Whenever a peace officer is adjudged or found guilty as described in paragraph (2) of subdivision (f), the employing department, in the case of a peace officer, or the department participating in the investigation of the felony charge against a former peace officer shall notify the commission within 30 days following conclusion of the criminal proceeding. The notification shall include the person’s name, date of adjudication, case number and court, the charge filed against him or her, and the law enforcement jurisdiction responsible for the investigation of the charge.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved \_\_\_\_\_, 2000

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*Governor*

